

**ASSEMBLY BILL**

**No. 983**

**Introduced by Assembly Member Wayne**

February 27, 1997

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An act to amend Section 25205.6 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 983, as introduced, Wayne. Hazardous materials: business concerns.

(1) Existing law requires corporations that use, generate, store, or conduct activities in this state related to hazardous materials to pay an annual charge based on the number of employees employed in the state during the previous calendar year. The revenues from that charge are deposited in the Hazardous Waste Control Account in the General Fund and are available, upon appropriation by the Legislature, to the Department of Toxic Substances Control to implement the provisions regulating hazardous waste management. A violation of the hazardous waste control laws is a crime.

This bill would instead require business concerns that use, generate, store, or conduct activities in this state related to hazardous materials to pay that annual charge, thereby imposing a tax for purposes of Article XIII A of the California Constitution. Since a failure to pay the charge would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25205.6 of the Health and Safety  
2 Code is amended to read:

3 25205.6. (a) On or before November 1 of each year,  
4 the department shall provide the board with a schedule  
5 of two digit SIC codes, as defined in subdivision (p) of  
6 Section 25501, as established by the United States  
7 Department of Commerce, that consists of ~~corporations~~  
8 ~~which~~ *business concerns* that use, generate, store, or  
9 conduct activities in this state related to hazardous  
10 materials, as defined in subdivision ~~(k)~~ (n) of Section  
11 25501, including, but not limited to, hazardous waste.

12 (b) Each ~~corporation~~ *business concern* identified in  
13 the schedule adopted pursuant to subdivision (a) shall  
14 pay an annual fee, which shall be set at one hundred  
15 dollars (\$100) for those ~~corporations~~ *business concerns*  
16 with 50 or more employees but less than 75 employees,  
17 three hundred dollars (\$300) for those ~~corporations~~  
18 *business concerns* with 75 or more employees, but less  
19 than 100 employees, five hundred dollars (\$500) for  
20 ~~corporations~~ *business concerns* with 100 or more, but less  
21 than 250 employees, seven hundred fifty dollars (\$750)  
22 for those ~~corporations~~ *business concerns* with 250 or  
23 more, but less than 500 employees, and one thousand  
24 dollars (\$1,000) for ~~corporations~~ *business concerns* with  
25 500 employees or more.

26 (c) The fee imposed pursuant to this section shall be  
27 paid by each ~~corporation~~ ~~which~~ *that business concern* is  
28 identified in the schedule adopted pursuant to  
29 subdivision (a) in accordance with Part 22 (commencing  
30 with Section 43001) of Division 2 of the Revenue and  
31 Taxation Code and shall be deposited in the Hazardous

Waste Control Account. The revenues shall be available, upon appropriation by the Legislature, to cover the costs of implementing this chapter.

(d) For purposes of this section, the number of employees employed by a ~~corporation~~ *business concern* is the number of persons employed in this state for more than 500 hours during the previous calendar year for which the fee is due.

(e) This section does not apply to nonprofit corporations primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on their ability for self-care, as described in SIC Code 8361 of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget, 1987 Edition.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CORRECTIONS

Heading — Line 1.

Title — Line 1.